IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 2635 OF 2003

IN

SUIT NO. 2755 OF 2003

WITH

NOTICE OF MOTION NO. 3617 OF 2003

IN

SUIT NO. 2755 OF 2003

Smt. Malti S. Bondre and Ors. ...Plaintiffs.
vs.
Kuber H. Shah and Ors. ...Defendants.

B.G. Vaidya, advocate
for the plaintiffs.
N.N. Bhadrashetye, advocate
for defendant no.1 and 2.
Milind More, AGP
for defendant no.3 and 4.
N.N. Bhadrashetye, advocate

CORAM: S.U. KAMDAR, J.

DATE : 3rd March, 2006.

P.C. :

1. Inview of the defence raised by defendant nos.3 and 4 that the suit is liable to be dismissed in view of non-compliance of section 80 of CPC. Learned counsel for the plaintiff seeks leave to withdraw the suit with liberty to file an fresh suit after giving notice to the defendant under Section 80 of CPC. Suit dismissed as withdrawn with the aforesaid liberty. Learned counsel for the plaintiff states that he will file suit within 8 weeks. In view of the dismissal of the suit, both the Notice of Motion does not survive. The same are dismissed as infructious. Refund as per rules.

sd/-

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